

**U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, D.C.**

**DEPT. OF TRANSPORTATION
DOCKETS**

2008 MAR 31 P 1:43

IN THE MATTER OF

**BONOLLO PROVISIONS CO., INC.,
Respondent**

**DOCKET NO.: FMACSA-2005-23485
(Federal Motor Carrier Safety Administration)**

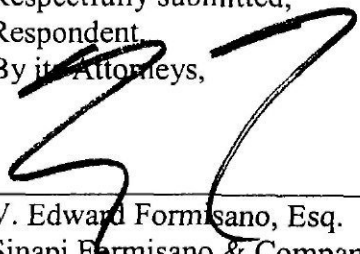
RESPONDENT'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO STAY

The same incident that gave rise to this matter also gave rise to a wrongful death claim (hereinafter "claim") against Respondent. Based on recent communications between Respondent's counsel and counsel for Respondent's liability insurer, Respondent understands that the parties have resolved the claim, with the exception of apportionment of the settlement proceeds between the decedent's heirs. Accordingly, the claim should be resolved over the next several months.

After the claim is resolved, Respondent has represented to its counsel that it will address resolution of this matter. In light of Respondent's intentions, and in the interest of conserving this Court's time and resources as well as the time and resources of the Agency and Respondent, Respondent is seeking a stay of this proceeding.

The Respondent respectfully moves for a stay in this matter up to and including July 1, 2008 and also moves that the Prehearing Order be amended to allow for discovery to commence on July 1, 2008 and to be concluded by October 1, 2008.

Respectfully submitted,
Respondent
By its Attorneys,



Dated: March 25, 2008

V. Edward Formisano, Esq.
Sinapi Formisano & Company, Ltd.
100 Midway Place, Suite 1
Cranston, RI 02920
(401) 944-9690 (Voice)
(401) 943-9040 (Facsimile)
edf@sfclaw.com

CERTIFICATION OF SERVICE

This is to certify that on the 25 day of March 2008, the undersigned mailed or delivered, as specified, the designated number of copies of the forgoing document to each of the parties listed below.

The Honorable Isaac D. Benkin U.S. D.O.T. Office of Hearings 400 7 th Street S. W., M-20, Room 5411 Washington, DC 20590 Administrative Law Judge		One Copy Federal Express
Anthony G. Lardieri, Attorney Federal Motor Carrier Safety Administration Eastern Service Center 802 Cromwell Park Drive Suite N Glen Burnie, MD 21061		One Copy U.S. Mail
U.S. D.O.T Dockets Docket Operations, M-30 1200 New Jersey Avenue, S.E. West Building Ground Floor Room W12-140 Washington, DC 20590		Original U.S. Mail
Barry Rubenstein U.S. Department of Transportation Federal Motor Carrier Safety Administration 20 Risho Avenue, Suite E East Providence, RI 02914 Acting Division Administrator		One Copy U.S. Mail

Docket Clerk Federal Motor Carrier Safety Administration Eastern Service Center 802 Cromwell Park Drive, Suite N Glen Burnie, MD 21061	One Copy U.S. Mail
--	-----------------------

Jessica A. Paupke